

**MEETING OF THE BOARD FOR PROFESSIONAL
ENGINEERS AND LAND SURVEYORS**

**Hyatt Regency Orange County Hotel
11999 Harbor Boulevard
Garden Grove, California, 92840
(714) 750-1234**

Thursday, September 20, 2007, beginning at 9:00 a.m.

Board Members Present: Richard Lyons, President; Patrick Tami, Vice President; Gregg Brandow; Arthur Duffy; James Foley; Robert Jones; Mike Modugno; and Ray Satorre.

Board Members Absent: Kim Blackseth

Board Staff Present: Cindi Christenson (Executive Officer); Nancy Eissler (Enforcement Program Manager); Cindy Fernandez (Executive Analyst); Rita Lane (Liaison Deputy Attorney General); Gary Duke (Legal Counsel); and Debbie Thompson (Budget Analyst).

1. Roll Call to Establish a Quorum

The meeting was called to order by President Lyons at 9:05 a.m. Roll call was taken, and there was a quorum.

2. Public Comment

President Lyons presented Ms. Safran and Mr. Duffy proclamations for their outstanding service to the Board.

3. Special Civil Seismic Principles Examination Test Plan Update to Accommodate the New California Building Code (Possible Action)

Ms. Christenson reported that minor revisions are needed in regards to this item so it has been tabled until the November 2007 Board meeting.

4. Coordination of Strategic Planning Session (Possible Action)

Ms. Christenson stated that since we have a lot of new Board members and they have not been involved in a Strategic Planning session, she would like to have one sometime between November 2007 and February 2008.

5. Proposed Surcharge for Pilot Outreach/Education Unlicensed Activity Unit (Possible Action)

Ms. Christenson reported that she attended a meeting last week regarding this item and that DCA is concerned with the unlicensed activity going on and would like to charge a one time fee of \$9.00 to go toward the creation of a specific unit at DCA that would look into unlicensed activity and to promote what being licensed in the State of CA really means and to promote Professional Licensure.

Ms. Sorrick from DCA stated that it is a priority of DCA to “crack down” on unlicensed activity and to Promote Professional Licensure.

Mr. Duffy has concerns on how it “plays out” and the procedures.

Ms. Sorrick reported that it is DCA’s intention to work in tandem with some of the existing procedures and try to balance the interest of all boards.

6. Approval of Delinquent Reinstatements (Possible Action)

MOTION: Mr. Satorre/Mr. Duffy moved to approve the Delinquent Reinstatements as follows:

CIVIL

ERIC SCHOENEN

Reinstate applicant’s civil license once he/she takes and passes the Board’s Laws and Regulations Examination and pays all delinquent and renewal fees.

ELECTRICAL

JULIO GAGOT-MANGUAL

Reinstate applicant’s electrical license once he/she takes and passes the Board’s Laws and Regulations Examination.

LAND SURVEYOR

DONALD R. RESER

Reinstate applicant’s land surveyor license once he/she takes and passes the California State Specific Professional Land Surveyor Exam and the Board’s Laws and Regulations Examination.

VOTE: 7-0, motion carried.

7. Comity and Temporary Authorization Applications (Possible Action)

MOTION: Vice President Tami/Mr. Foley moved to approve the Amended Handout Comity List.

VOTE: 7-0, motion carried.

In the future, the Comity list will be distributed as a Handout at the Board meeting.

MOTION: Mr. Foley/Dr. Brandow moved to approve the Fourth Temporary Civil Authorization for Ronald Ross for a period of 180 days.

VOTE: 7-0, motion carried.

Mr. Foley requested that Temporary Authorization procedures be put on the next agenda for discussion.

Mr. Jones arrived at 9:25 a.m.

8. Administration

a. Fund Condition

Ms. Thompson reported on changes included in the Board's fund condition dated September 12, 2007.

The total past FY 2006-07 actual revenue received was \$9,117,647--\$187,647 higher than projections in June due to increases in applications revenue and income from surplus money investments. The FY 2006-07 total for application revenue received was \$3,615,577 and the total renewal revenue was \$5,045,082.

The current FY 2007-08 application revenue projections increased from \$3,611,000 to \$3,772,000 based on the updated workload and revenue figures.

The current FY 2007-08 renewal fee projections increased from \$5,715,000 to \$6,119,000 also based on updated workload and revenue figures

b. Fiscal Year 2006-07 Budget

Ms. Thompson reported that the total past FY 2006-07 expenditure was \$8,067,698 leaving a balance of \$246,141 to be reverted back into the Board's fund.

c. Fiscal Year 2007-08 Budget

Ms. Thompson reported that the Board currently projects to spend \$8,903,341 of its \$9,025,000 FY 2007-08 budget. This will leave a surplus balance of \$121,659 at year-end. Adjustments to the Board's budget augmentation and projected expenditures will be made during late Fall 2007 for benefit increases and the state employee general salary increases.

d. Fiscal Year 2008-09 Budget Change Proposals

Ms. Thompson reported that the Land Surveyor Position redirection BCP for FY 2008-09 was finalized and submitted to Department of Finance (DOF) for review. The Applications Evaluation Position BCP was held

back and will not be submitted for funding at this time. Upon further review, the Board determined that the workload increases were not adequate to justify an additional position.

e. Land Surveyor Position

The Board received notification October 22, 2007 that the Department of Personnel Administration has approved the classification proposal to revise the existing SPB Senior Engineer Registrar classification specification. The revision adds land surveying to the minimum qualifications which will allow Board staff to hire a licensed land surveyor once the FY 2008-09 LS Position redirection BCP is approved. The next step is for the proposal to be scheduled at a State Personnel Board hearing.

f. Publications Review

The Enforcement staff plans to update and reprint the guide for the local building officials in FY 2007-08 dependent upon Enforcement Staff workload. The Board's Law Publication will be updated also for 2008. Mr. Foley requested Board staff use the same font as is used for CalTrans' Standard Specification Book as the font is easier to read.

g. Applicant Direct Payment of National Exam Fees to NCEES

NCEES is still in the process of reviewing information the Board provided on exam population and site locations to determine if they can also administer the Board's exams.

9. Enforcement

Ms. Eissler reviewed the statistical information contained in the agenda packet. She advised that in July Julie Baker joined the Enforcement Unit as a new Enforcement Analyst and John Donnelly joined the Unit as the Enforcement Technician. Ms. Eissler indicated that the Board had received an additional Enforcement Analyst position with the signing of the budget, so she is in the process of filling that position. She advised that the addition of new staff is helping to reduce the backlog of older cases.

Vice President Tami noted that more complaint cases have been closed than opened this fiscal year. He complimented the Enforcement Unit on its hard work in reducing the backlog of older cases.

10. Legislative

a. Discussion of Proposed Legislation for 2007, including but not limited to, AB 1025, AB 1393, SB 374, SB 618, SB 721, SB 963, and SB 1047 (Possible Action)

Mr. Duffy reported that all the Bills are the same with the exception of SB 963, this bill would make each board of DCA subject to review by a

standing committee of the Legislature upon request by a Member of the Legislature or the chief of the Office of the Consumer Advocate, which this bill would create in DCA. Mr. Duffy feels that in its current form, this will probably not move forward.

Mr. Duke stated that SB 963 was significantly changed in June 2007.

MOTION: Mr. Duffy/Mr. Jones moved to watch SB 963.

VOTE: 8-0, motion carried.

- b. Regulation Status Report**
No additional report given.

11. Technical Advisory Committee TAC Reports

- a. Board Assignments to TACs (Possible Action)**

Ms. Christenson reported that the LSTAC and the CETAC are full; the METAC and the EETAC each have one person and need four more; and the SETAC and the GETAC have no members.

Ms. Christenson stated that we need to go to the Professional Societies and ask for help in getting applications submitted for the vacant positions.

Mr. Duffy feels that the TACs should meet at least once a year.

Mr. DeWitt stated that CELSOC would help in getting applications.

- b. Appointment of TAC Members (Possible Action)**
There were no appointments.

12. Liaison Reports (Possible Action)

- a. ABET**

Ms. Christenson reported that she sent each Board member a list of upcoming ABET visits and asked each Board member to think about attending one. Mr. Blackseth will be attending UC Irvine; Mr. Modugno will be attending CA St Northridge; Mr. Foley will be attending San Jose St; President Lyons will be attending UCSD; Vice President Tami will be attending Naval Post Graduate; and Mr. Duffy and Mr. Satorre will get back with Ms. Christenson on the sites there are able to attend.

- b. NCEES**

- 1. Annual Meeting**

Dr. Brandow reported that NCEES is moving forward with redoing the SE examination to work for everyone.

Vice President Tami reported that the big topic was BS plus 30; which requires 30 additional units after BS Degree before taking the exam. Vice President Tami stated that it is a “Train Wreck” waiting to happen.

Ms. Christenson reported that the Member Boards were upset about NCEES holding candidates results and that we challenged this policy. It has now been changed to allow each state to make their own decision in regards to holding candidates results.

Ms. Christenson stated that it is very important that we continue being on the Board of Directors with NCEES and show a presence at the meetings because it is very important for Legislation. And that it is important for DCA to loosen up on Board Travel.

Mr. Duke stated that California is being under represented at these meetings.

c. Technical and Professional Societies

Mr. DeWitt reported that CELSOC has created a Recruitment Educational Video for High Schools that is available on their Website and he would like to show it to the Board members at the next Board meeting.

13. President’s Report

President Lyons stated that CA needs to take a Leadership role in the BS plus 30 issue. He suggested that CA take the lead in developing a Mentoring Program and get together an ADHOC committee to address this issue.

Ms. Christens suggested putting this on the next agenda for discussion.

14. Executive Officer's Report

1. Administration Report

a. Executive Summary Report

Ms. Christenson reported on the information in the agenda.

2. Personnel

a. New Hires

No report given.

b. Vacancies

No report given.

3. Enforcement/Examination/Licensing

a. College Outreach

No report given.

- b. **Report on Enforcement Activities**
No report given.
 - c. **Report on Examination Activities**
No report given.
 - 4. **Publications/Website**
 - a. **Website Activity Statistics**
No report given.
- 5. **Other –**
 - a. **DCA Update**
President Lyons introduced Ms. Lopez, Director of DCA. Ms. Lopez thanked everyone for their service and to let everyone know that DCA is here to serve the Board. Ms. Lopez stressed the importance of the need for more professionals in California to serve the consumers and how to help the consumer make the best decision before they get into a “bad” situation. Ms. Lopez expressed interest in our Strategic Planning. Ms. Lopez also stated that she would look into the out-of-state travel situation.
 - b. **iLicensing**
No report given.
- 15. **Other Items Not Requiring Board Action**
Date of Next Board Meeting: November 15 & 16, 2007, San Diego or Sacramento, California.
 Next Board meeting will be held in Sacramento, CA.
- 16. **Closed Session – Personnel Matters, Examination Procedures and Results, Administrative Adjudication, and Pending Litigation (As Needed) [Pursuant to Government Code sections 11126(a) and (b), 11126(c)(1), 11126(c)(3), and 11126 (e)(1)]**
 - a. Michael William Foster v. Board for Professional Engineers and Land Surveyors, Court of Appeal Third Appellate District Case No. C050630 (El Dorado Superior Court Case No. PC 20030492)
 - b. Michael Z. Yevtovich v. Board for Professional Engineers and Land Surveyors, Los Angeles Superior Court Case No. BS105225
 - c. Monique S. Sidaross v. State of California, et al., Los Angeles Superior Court Case No. BC354160
 - d. Mario Morales v. Board for Professional Engineers and Land Surveyors, et al., San Mateo Superior Court Case No. CIV 461857
 - e. Richard Godina v. Board for Professional Engineers and Land Surveyors, Riverside Superior Court Case No. RIC473474

17. Open Session to Announce the Results of Closed Session

Ms. Christenson reported that the Board discussed pending litigation as noticed, specifically; Michael William Foster v. Board for Professional Engineers and Land Surveyors, Court of Appeal Third Appellate District Case No. C050630 (El Dorado Superior Court Case No. PC 20030492); Michael Z. Yevtovich v. Board for Professional Engineers and Land Surveyors, Los Angeles Superior Court Case No. BS105225; Monique S. Sidaross v. State of California, et al., Los Angeles Superior Court Case No. BC354160; Mario Morales v. Board for Professional Engineers and Land Surveyors, et al., San Mateo Superior Court Case No. CIV 461857; Richard Godina v. Board for Professional Engineers and Land Surveyors, Riverside Superior Court Case No. RIC473474.

Ms. Christenson reported that the Board adopted the results of the take-home examination for the candidates who had previously passed the 8-hour portion of the examinations.

Ms. Christenson reported that the Board approved the EIT Comity person from Canada.

Ms. Christenson reported that the Board adopted the Proposed Decision Regarding Ronald Heinzen and the Default Decision Regarding Jonathan Sagherian.

Ms. Christenson reported that a Structural Exam was lost at the April 2007 examination administration.

Ms. Christenson requested that the Board discuss the Executive Officer's salary at the next Board meeting.

18. Approval of Consent Items (Possible Action)

(These items are before the Board for consent and will be approved with a single motion following the completion of Closed Session. Any item that a Board member wishes to discuss will be removed from the consent items and considered separately.)

a. Approval of the Minutes of the July 26, 2007, Board Meeting

b. Approval of Candidates for Certification/Licensure (Based on Examination Results, Including Successful Appeals, Adopted in Closed Session)

MOTION: Mr. Foley/Vice President Tami moved to approve the minutes from the July 26, 2007, Board Meeting.

VOTE: 8-0, motion carried.

MOTION: Vice President Tami/Mr. Foley moved to approve Candidates for Certification/Licensure (Based on

Examination Results, Including Successful Appeals, Adopted
in Closed Session.

VOTE: 8-0, motion carried.

Mr. Jones requested that the selection process for the President and Vice President be placed on the next Board meeting agenda for discussion.

19. Adjourn

The Board adjourned at 12:15 p.m.

PUBLIC PRESENT

Bob DeWitt, CELSOC

D'Arcy McLeod, PECG

Tom Stout, CSPE/CLCPE

Antonette Sorrick, DCA